

# Regulating genetically modified crops in view of environmental risks

Citation for published version (APA):

Liu, A. (2019). Regulating genetically modified crops in view of environmental risks: China's implementation of international obligations. [Doctoral Thesis, Maastricht University]. ProefschriftMaken Maastricht. <https://doi.org/10.26481/dis.20190222a1>

## Document status and date:

Published: 01/01/2019

## DOI:

[10.26481/dis.20190222a1](https://doi.org/10.26481/dis.20190222a1)

## Document Version:

Publisher's PDF, also known as Version of record

## Please check the document version of this publication:

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Propositions accompanying the dissertation  
Regulating genetically modified crops in view of environmental risks: China's  
implementation of international obligations

Ancui Liu

1. Parties to the Cartagena Protocol on Biosafety have wide discretion in implementing the precautionary approach. The fact that China has not codified the precautionary principle in its domestic law does not necessarily constitute a breach with this protocol.
2. While access to information and access to justice have been regulated in Chinese law, specific rules regarding public participation in decision-making on GM crops have yet to be adopted.
3. While the requirements regarding general risk management and the advance informed agreement procedure are relatively vague in the international instruments, China's legal measures implementing these requirements are much more detailed.
4. Although China has not ratified the Nagoya–Kuala Lumpur Supplementary Protocol, its legislation already corresponds to the civil and administrative liability rules provided by this protocol.
5. Given the diverse national legal systems and social backgrounds of parties, it is often necessary to keep legal provisions in international environmental instruments broad to leave wide discretion to parties.
6. Liability rules are needed to supplement authorisation measures for preventing potential harm caused by polluting activities.
7. In China, a policy, as a nonformal source of law, is often used before the enactment of a piece of legislation which is a formal source of law, providing the experience for the design and implementation of legislation.
8. One should not be afraid of the environmental risks that may be caused by new technologies. Rather, one should make use of policies and legal instruments to address them.
9. Even if governments duly apply legal principles and legal measures in order to prevent potential risks that may be caused by GM crops, it is questionable whether the public will change its view on the safety of GM crops into a positive direction.
10. When living and studying abroad, one will experience cultural diversity and be challenged to accept different views. If everybody cherishes his or her own cultural values and respects and treasures other's cultural values, the world will be a more harmonious one. (based on Fei Xiaotong, a Chinese sociologist and anthropologist)